

**Consideration for preliminary adoption of amendments to 312 IAC 9 governing commercial fishing, fishing guide licenses, and roe harvesters and dealers licenses; Administrative Cause No. 12-064D**

The Division of Fish and Wildlife is proposing to amend the following rules:

- 312 IAC 9-1-9.7: Adds a new definition of “Inland Water” to match the new statutory definition in IC 14-8-2-131.7 that will be in effect starting July 1.
- 312 IAC 9-1-13.5: Adds a definition of seine to help clarify the difference between nets and seines used throughout 312 IAC 9.
- 312 IAC 9-6-2: Clarifies the measurement of paddlefish to start at the foremost point of the eye
- 312 IAC 9-7-17: Changes “charter boat operator license” to “fishing guide license” to comply with state statute in IC 14-22-15. The reporting and other requirements will remain the same, but this license is now required by statute for individuals that take others sport-fishing for hire on public waters with or without a boat.
- 312 IAC 9-7-19: A roe harvester’s license is now required by state law (IC 14-22-13-2.5) to take paddlefish.
- 312 IAC 9-8-1: Adds definitions of terms used throughout the commercial fishing and roe harvesters and dealers license rules.
- 312 IAC 9-8-2: Changes terminology for locations for commercial fishing on inland water ( using the new definition in IC 14-8-2-131.7 as of July 1), removes the reference to assistants in subsection (b) since assistants are now described in 312 IAC 9-8-1(e), specifies that shovelnose sturgeon can only be taken with a roe harvester’s license, and allows license holders to submit an inactive license form if they stop commercial fishing for the year (currently allowed for fishing guides)
- 312 IAC 9-8-4: Rewords sentences and changes the length of the seine to 100 yards to comply with state statute in IC 14-22-13-1(b) and requires the gear to be removed from the shoreline or the waters fished upon the completion of fishing in subsection (d) (each item of gear is already required to be removed from the waters fished immediately upon the completion of fishing)
- 312 IAC 9-8-5: Makes technical corrections with the use of the new term “inland water” and requires the gear to be removed from the shoreline or the waters fished upon the completion of fishing in subsection (d) (each item of gear is already required to be removed from the waters fished immediately upon the completion of fishing)
- 312 IAC 9-8-6: Specifies that shovelnose sturgeon and paddlefish can only be taken with a roe harvester’s license (per state law); specifies in (i) that commercial gear cannot be used within 50 yards of the mouth of stream, bay or inlet; clarifies that commercial gear must be removed immediately after the completion of fishing in (j); corrects the tagging requirements for seines and nets in subsection (k); allows a license holder to submit an inactive license form; and requires the gear to be removed from the shoreline or the waters fished upon the completion of fishing in subsection (j) (each item of gear is already required to be removed from the waters fished immediately upon the completion of fishing)

- 312 IAC 9-8-7 and 9-8-8: As a result of the creation of the roe harvesters and roe dealer's licenses in state law (IC 14-22-13-2.5) last year, corresponding rules are needed to administer these licenses and specify requirements. License requirements were established this year in a temporary rule.

## **TITLE 312 NATURAL RESOURCES COMMISSION**

### **Proposed Rule LSA Document #12- DIGEST**

Adds 312 IAC 9-1-9.7 to define the term "inland water." Adds 312 IAC 9-1-13.5 to define the term "seine." Amends 312 IAC 9-6-2 to clarify the measurement of paddlefish. Amends 312 IAC 9-7-17 governing fishing guide licenses to change the title of the license to a fishing guide license. Amends 312 IAC 9-7-19 to specify that a roe harvester's license is required to take paddlefish from public waters. Amends 312 IAC 9-8-1 governing commercial fishing by adding general requirements and definitions of terms used throughout 312 IAC 9-8. Amends 312 IAC 9-8-2 governing commercial fishing except on the Ohio River to clarify the bodies of water where the license is valid, specify that a roe harvester's license is required to take shovelnose sturgeon, and allow a license holder to submit an inactive license form. Amends 312 IAC 9-8-4 governing commercial fishing on the Wabash River boundary waters to change the length of a seine and other technical changes. Amends 312 IAC 9-8-5 governing commercial fishing on inland water by making technical changes. Amends 312 IAC 9-8-6 governing commercial fishing on the Ohio River to clarify that shovelnose sturgeon and paddlefish can be taken only with a roe harvester's license, prohibit the use of gear within 50 yards of a bay or inlet, clarify tagging requirements for seines and nets, and allow a license holder to submit an inactive license form. Adds a roe harvester's license in 312 IAC 9-8-7 for the harvest, possession, or sale of roe. Adds a roe buyer's license in 312 IAC 9-8-8 for the purchasing and processing of roe. Effective thirty (30) days after filing with the Publisher.

**312 IAC 9-1-9.7; 312 IAC 9-1-13.5; 312 IAC 9-6-2, 312 IAC 9-7-17, 312 IAC 9-7-16, 312 IAC 9-7-19, 312 IAC 9-8-1, 312 IAC 9-8-2, 312 IAC 9-8-4, 312 IAC 9-8-5, 312 IAC 9-8-6, 312 IAC 9-8-7, 312 IAC 9-8-8**

### **SECTION 1. 312 IAC 9-1-9.7 IS ADDED TO READ AS FOLLOWS:**

#### **312 IAC 9-1-9.7 "Inland water" defined**

Authority: IC 14-10-2-4; IC 14-8-2-131.7; IC 14-22-2-6

Affected: IC 14-22

#### **Sec. 9.7 "Inland water" means the:**

- (a) water of the state; and**
- (b) boundary waters of the state, except Lake Michigan and the Ohio River.**

*(Natural Resources Commission; 312 IAC 9-1-9.7)*

**SECTION 2. 312 IAC 9-1-13.5 IS ADDED TO READ AS FOLLOWS:**

**312 IAC 9-1-13.5 “Seine” defined**

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

**Sec. 13.5. “Seine” means a net that is constantly attended and pulled through the water for the entrapment of fish.** *(Natural Resources Commission; 312 IAC 9-1-13.5)*

**SECTION 3. 312 IAC 9-6-2 IS AMENDED TO READ AS FOLLOWS:**

**312 IAC 9-6-2 Fish measurement**

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 2. (a) Except as provided in subsections (b) and (c), the measurement of the length of a fish must be taken in a straight line from the tip of the snout with the mouth closed to the utmost end of the caudal (tail) fin when the fin is compressed so that the upper and lower lobes of the fin touch or overlap.

(b) The measurement of the fork length of shovelnose sturgeon must be taken in a straight line from the tip of the snout to the fork of the tail fin.

(c) The measurement of the eye to fork length of paddlefish must be taken in a straight line from the **foremost point of the** eye to the fork of the tail fin. *(Natural Resources Commission; 312 IAC 9-6-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2715; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Aug 28, 2009, 3:39 p.m.: 20090923-IR-312080886FRA)*

**SECTION 4. 312 IAC 9-7-17 IS AMENDED TO READ AS FOLLOWS:**

**312 IAC 9-7-17 Fishing Guide License**

Authority: IC 14-22-2-6; IC 14-22-15

Affected: IC 14-22-15-4

Sec. 17. (a) An individual may not take another individual sport fishing for hire on:

- ~~(1) Indiana waters;~~
- ~~—— (2) waters containing state-owned fish; or~~
- ~~—— (3) state boundary waters; or~~

**inland water** without a ~~charter fishing boat operator's~~ **fishing guide** license issued by the director under IC 14-22-15-4 and this section.

(b) A license holder under this section shall, on a departmental form, keep legible and accurate daily fishing records of the:

- (1) species;
- (2) numbers, locations, and dates of fish taken; and
- (3) number of fishermen and hours fished;

while engaged in ~~charter~~ **guided** fishing **activity**. These daily records shall be recorded before the licensed fishing person departs the boat **or leaves the fishing guide** at the conclusion of the fishing trip.

(c) A license holder under this section shall, on a departmental form, prepare a monthly report of the information maintained on the daily fishing records. The monthly report shall be submitted to the ~~director or the director's representative~~ **division of fish and wildlife** before the fifteenth day of each month following the month covered. The report shall be submitted each month regardless of whether ~~charter~~ **guided** fishing activity occurs in the month covered unless the license holder has submitted an Inactive License Form to signify that no fishing activity will take place for the remainder of the calendar year. The Inactive License Form shall be submitted to the ~~director or the director's representative~~ **division of fish and wildlife** before the fifteenth day of the month following the month the license is deemed inactive.

(d) The director or the director's representative may, at any reasonable time, inspect the daily fishing records required under subsection (b) or IC 14-22-15-4. (*Natural Resources Commission; 312 IAC 9-7-17; filed May 12, 1997, 10:00 a.m.: 20 IR 2721; filed May 28, 1998, 5:14 p.m.: 21 IR 3723; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1540; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA*)

## **SECTION 5. 312 IAC 9-7-19 IS AMENDED TO READ AS FOLLOWS:**

### **312 IAC 9-7-19 Paddlefish**

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 19. Except as provided in ~~312 IAC 9-8-6~~ **312 IAC 9-8-7** with a ~~commercial fishing~~ **an Ohio River roe harvester's** license, a person must not take ~~or possess~~ paddlefish from any ~~public~~ **water of the state**. (*Natural Resources Commission; 312 IAC 9-7-19; filed May 28, 1998, 5:14 p.m.: 21 IR 3723; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Aug 28, 2009, 3:39 p.m.: 20090923-IR-312080886FRA*)

## **SECTION 6. 312 IAC 9-8-1 IS AMENDED TO READ AS FOLLOWS:**

### **312 IAC 9-8-1 General Requirements and Definitions**

Authority: IC 14-22-2-6; IC 14-22-13; IC 14-10-2-4

Affected: IC 14-22

Sec. 1. **(a)** This rule applies to a person who is issued a commercial fishing license by the department.

**(b) The following definitions apply throughout this section:**

**(1) “Assistant” means any individual who accompanies and assists a commercial fishing license holder or licensed roe harvester in the harvest, possession, transportation, or sale of fish;**

**(2) “Caviar” means the processed, salted, nonfertilized roe.**

**(3) “Mouth of a Stream” means a line drawn from point to point across a stream at its farthest most downstream location where its banks meet the bank of the Ohio River at the existing water level.**

**(4) “Roe” means the internal egg mass in an ovary or the female gametes, but not caviar.**

**(5) “Roe-bearing species” means the following species:**

**(A) Shovelnose sturgeon.**

**(B) Paddlefish.**

**(C) Bowfin.**

**(6) “Roe dealer” means a person who possesses a valid roe dealer’s license issued under this section to purchase, process, transport, and sell roe.**

**(7) “Roe harvester” means an individual who possesses a valid roe harvester’s license issued under this section to harvest, possess, transport, begin processing, and sell, but not purchase, roe.**

**(c) A commercial fishing license holder, licensed roe harvester, or roe dealer who possesses or sells a fish described in this article must comply with 312 IAC 9-6-11. The bill of lading and the shipment must be made available upon request for inspection by a conservation officer.**

**(d) The department shall not issue a commercial fishing license, roe harvester’s license, or roe dealer’s license to an individual whose sport fishing, commercial fishing, roe dealer, or roe harvester license has been suspended or revoked, during the term of the suspension or revocation.**

**(e) An assistant of a commercial fishing license holder or licensed roe harvester must:**

**(1) be in the same boat as the license holder while participating in commercial fishing or the harvesting of roe-bearing species on waters open to commercial fishing;**

**(2) only transport, carry, or ship lawfully harvested fish with a bill of lading in accordance with 312 IAC 9-6-11(a).**

**(f) A commercial fishing license holder or licensed roe harvester shall not allow an individual who has a sport fishing, commercial fishing, roe dealer, or roe harvester license suspended or revoked, either by a court or administrative process, in Indiana or any other jurisdiction, to serve as an assistant during the term of the suspension or revocation.**

*(Natural Resources Commission; 312 IAC 9-8-1; filed May 12, 1997, 10:00 a.m.: 20 IR 2721; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

**SECTION 7. 312 IAC 9-8-2 IS AMENDED TO READ AS FOLLOWS:**

**312 IAC 9-8-2 Commercial fishing except on the Ohio River; general provisions**

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-13

Affected: IC 14-22-13-4; IC 14-22-14-23

Sec. 2. (a) This section applies to license holders engaged in commercial fishing on:

- ~~(1) waters of the state;~~
  - ~~(2) boundary waters; or~~
  - ~~(3) waters containing state-owned fish;~~
- other than the Ohio River inland water.**

(b) For purposes of this section, "license holder" means an individual licensed under IC 14-22-13 to use in, and to possess for use in the water, seines, nets, or other commercial fishing gear authorized in this rule. ~~The term includes an individual commercially fishing while accompanied by the licensee as specified at IC 14-22-13-4.~~

(c) A license holder may take or sell fish with a commercial fishing license issued under this rule and 312 IAC 9-6-11. A license holder may take fish with the aid of illumination of:

- (1) a spotlight;
  - (2) a searchlight; or
  - (3) an artificial light;
- where lawfully engaged in commercial fishing.

(d) A license holder subject to this rule must not possess trout or salmon.

(e) A license holder must not possess or sell any of the following taken from the waters described in subsection (a):

- (1) Chubs.
- (2) Northern pike.
- (3) Chain pickerel.
- (4) Muskellunge.
- (5) Tiger muskellunge.
- (6) White bass.
- (7) Yellow bass.
- (8) Striped bass.
- (9) Hybrid striped bass.
- (10) Walleye.
- (11) Sauger.
- (12) Saugeye.
- (13) Smallmouth bass.
- (14) Largemouth bass.
- (15) Spotted bass.
- (16) Bluegill.
- (17) Redear sunfish.
- (18) Rock bass.
- (19) Crappie.

- (20) American eel.
- (21) Paddlefish.
- (22) Lake sturgeon.
- (23) Lake herring.
- (24) Blue catfish less than ten (10) inches long.
- (25) Channel catfish less than ten (10) inches long.
- (26) Flathead catfish less than ten (10) inches long.
- (27) Lake whitefish less than eighteen (18) inches long.
- (28) Yellow perch.

(f) A license holder may take and sell shovelnose sturgeon that are at least twenty-five (25) inches **measured** in ~~fork length~~ **accordance with 312 IAC 9-6-2(b)** only from October 1 through May 31 **and only with a valid inland water roe harvester's license.**

~~(g) A license holder who possesses or sells a fish described in this section must comply with 312 IAC 9-6-11.~~

~~(h)~~ A license holder must report fish catches as follows:

(1) A license holder under this section shall keep accurate daily records on a departmental form of the following:

- (A) The pounds and species of fish caught.
- (B) The number of pieces of each type of gear fished by date.
- (C) The county fished.

The license holder shall submit the completed form to the division by the fifteenth day of each month for the preceding month whether the license holder fished or not **unless the license holder has submitted an Inactive License Form to signify that no commercial fishing will take place on inland water for the remainder of the calendar year. The Inactive License Form shall be submitted to the division of fish and wildlife before the fifteenth day of the month following the month the license is deemed inactive.** The license holder shall allow onboard and dockside inspections of the gear and catch at any time by the director or the director's representative.

(2) A license holder for Lake Michigan must comply with the reporting requirements of IC 14-22-14-23 and section 3(h) of this rule.

*(Natural Resources Commission; 312 IAC 9-8-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2721; filed May 28, 1998, 5:14 p.m.: 21 IR 3724; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA)*

## **SECTION 8. 312 IAC 9-8-4 IS AMENDED TO READ AS FOLLOWS:**

### **312 IAC 9-8-4 Commercial fishing on the Wabash River boundary waters**

Authority: IC 14-22-2-6; IC 14-22-13

Affected: IC 14-22

Sec. 4. (a) This section applies to commercial fishing conducted on the **part of the Wabash River that forms the boundary between Indiana and Illinois and Indiana** and is supplemental to section 2 of this rule.

(b) A license holder under this section may **only** use a dip-net, hoop-net, fyke-net, basket-net, basket-trap, or trap-net made of twine or cords, with or without wings or leads. ~~It is unlawful to~~ **A license holder must not** use wings or leads constructed of any twine or cord smaller than size 9 (forty-two thousandths (0.042) inches) diameter. ~~It is unlawful to~~ **A license holder must not** use a net more than two hundred (200) feet long, including wings and leads. ~~It is unlawful to~~ **A license holder must not** use a net having stretch mesh less than two (2) inches. ~~It is unlawful to~~ **A license holder must not** use a net seine ~~which that~~ obstructs more than one-half (½) of the width of the river.

(c) A license holder may use a seine. ~~It is unlawful to~~ **A license holder must not** use a seine which exceeds ~~two hundred (200) feet long~~ **one hundred (100) yards in length**. ~~It is unlawful to~~ **A license holder must not** use a seine having stretch mesh less than five (5) inches. ~~It is unlawful to~~ **A license holder must not** use a seine ~~which that~~ obstructs more than one-half (½) of the width of the river.

(d) ~~Each piece of fishing gear in use~~ **A license holder must be tended** ~~tend each piece of fishing gear~~ not less frequently than once every forty-eight (48) hours. Fish taken by the gear must be removed. Each item of gear must be removed ~~from the waters fished~~ immediately upon the completion of fishing.

*(Natural Resources Commission; 312 IAC 9-8-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2725; filed May 28, 1998, 5:14 p.m.: 21 IR 3727; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)*

## **SECTION 9. 312 IAC 9-8-5 IS AMENDED TO READ AS FOLLOWS:**

### **312 IAC 9-8-5 Commercial fishing on inland water**

Authority: IC 14-22-2-6; IC 14-22-13

Affected: IC 14-22

Sec. 5. (a) This section applies to commercial fishing on inland ~~rivers~~ **water** of Indiana **except for the part of the Wabash River that forms the boundary between Illinois and Indiana** and is supplemental to section 2 of this rule.

(b) ~~It is unlawful to~~ **A license holder must not** conduct commercial fishing on inland ~~waters~~ **water** containing state-owned fish ~~or water of the state~~, except for the following rivers:

(1) The Wabash River downstream from the city limits of Lafayette to where the river forms the boundary between Indiana and Illinois.

(2) The White River downstream from the junction of its east and west forks to where the White River joins the Wabash River.

(3) The west fork of the White River downstream from its junction with the Eel River in Greene County to the junction of the east and west forks of the White River.

(4) The east fork of the White River downstream from its junction with the Lost River in Martin County to the junction of the east and west forks of the White River.



(5) The Patoka River three hundred (300) yards downstream of the dam below the State Road 164 bridge in the city of Jasper to where the Patoka River joins the Wabash River.

(c) A license holder under this section may **only** use hoop-nets or trap-nets made of twine or cord. ~~It is unlawful to~~ **A license holder must not** use more than four (4) hoop-nets or trap-nets. ~~It is unlawful to~~ **A license holder must not** use a net having a diameter, width, or height of more than six (6) feet. ~~It is unlawful to~~ **A license holder must not** use a net having stretch mesh less than two (2) inches.

(d) ~~Each piece of fishing gear in use~~ **A license holder must be tended tend each piece of fishing gear** not less frequently than once every forty-eight (48) hours. Fish taken by the gear must be removed. Each item of gear must be removed ~~from the waters fished~~ immediately upon the completion of fishing. *(Natural Resources Commission; 312 IAC 9-8-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2725; filed May 28, 1998, 5:14 p.m.: 21 IR 3727; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA;errata filed May 13, 2010, 11:13 a.m.: 20100519-IR-312100335ACA)*

#### **SECTION 10. 312 IAC 9-8-6 IS AMENDED TO READ AS FOLLOWS:**

##### **312 IAC 9-8-6 Commercial fishing on the Ohio River**

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-13

Affected: IC 14-22-13-4

Sec. 6. (a) This section applies to license holders engaged in commercial fishing on the Ohio River as authorized under IC 14- 22-13.

(b) "License holder" means an individual licensed under IC 14-22-13 to use in, and to possess for use in, the water:

- (1) seines;
- (2) nets; or
- (3) other commercial fishing gear.

~~The term includes an individual commercially fishing while accompanied by the licensee as specified at IC 14-22-13-4.~~

(c) A license holder shall not take or sell fish except in accordance with IC 14-22-13, this section, and 312 IAC 9-10. A license holder may take fish with the aid of illumination of:

- (1) a spotlight;
- (2) a searchlight; or
- (3) an artificial light;

where lawfully engaged in commercial fishing.

(d) A license holder under this section may take and sell all species of fish from the Ohio River except the following:

- (1) Largemouth bass.
- (2) Smallmouth bass.
- (3) Spotted bass.
- (4) Rock bass.

- (5) White crappie.
- (6) Black crappie.
- (7) Walleye.
- (8) Sauger.
- (9) Saugeye.
- (10) Striped bass.
- (11) White bass.
- (12) Hybrid striped bass.
- (13) Yellow bass.
- (14) Muskellunge.
- (15) Northern pike.
- (16) Tiger muskellunge.
- (17) Chain pickerel.
- (18) Lake sturgeon.
- (19) Trout.
- (20) Salmon.

(e) A license holder may take and sell shovelnose sturgeon that are at least twenty-five (25) inches **measured** in ~~fork length~~ **accordance with 312 IAC 9-6-2(b)** only from October 1 through May 31 **and only with a valid Ohio River roe harvester's license.**

(f) A license holder may take and sell paddlefish that are at least thirty-two (32) inches **measured** in ~~eye to the fork of the tail fin length~~ **accordance with 312 IAC 9-6-2(c)** only from November 1 through April 30 **and only with a valid Ohio River roe harvester's license.** The cutting or mutilation of live paddlefish to check for eggs is prohibited except that a 10-gauge needle may be inserted into the abdomen between the pectoral and pelvic fins to determine the presence of eggs.

(g) A license holder under this section must tag each item of gear so that a conservation officer may determine if the:

- (1) gear is properly licensed; and
- (2) license holder is complying with the law.

(h) No person shall possess a seine, net, or commercial trotline except as authorized with a valid commercial fishing license for the Ohio River. This subsection does not apply to a manufacturer, retailer, or wholesale dealer who possesses gear exclusively for sale.

(i) Commercial fishing nets authorized under this section cannot be used on **or within fifty (50) yards of** a bay or inlet of the Ohio River. **The fishing zone ends fifty (50) yards from** a line drawn from point to point ~~of a~~ **across the bay or inlet denotes the limits of the fishing zone where its banks meet the banks of the Ohio River at the existing water level.** Commercial gear cannot be used within fifty (50) yards of the mouth of a stream. Commercial gear, except slat traps, cannot be used in the following locations:

- (1) John T. Myers Dam downstream to the outer lock wall and the portion of the split channel around the southern part of Wabash Island from the fixed weir dam to the first dike.
- (2) Newburgh Dam downstream to the end of the outer lock wall.
- (3) Cannelton Dam downstream to the end of the outer lock wall.

- (4) McAlpine Dam downstream to the K and I railroad bridge.
- (5) Markland Dam downstream to the end of the outer lock wall.

(j) ~~Each item of fishing gear in use~~ **The license holder must be tended tend each item of fishing gear** not less frequently than once every twenty-four (24) hours and all fish taken by the gear removed, except that baited hoop nets or slat traps may be left unattended for not more than seventy-two (72) hours. Each item of gear must be removed ~~from the waters in which the item was fished~~ immediately upon ~~usage~~ **the completion of fishing.**

(k) Gear is authorized only as set forth as follows:

- (1) Lines and mesh must be made of:
  - (A) linen;
  - (B) cotton; or
  - (C) a flexible synthetic fiber.
- (2) The following restrictions apply to a hoop net, wing net, straight lead net, or heart lead net:
  - (A) Each net described in this subdivision must have a minimum bar mesh size of one (1) inch.
  - (B) Hoops may be any size, shape, or material.
  - (C) The maximum length of the lead or wing is sixty (60) feet.
  - (D) One (1) tag must be attached to the front hoop of each net.
- (3) The following restrictions apply to a gill or trammel net:
  - (A) The minimum bar mesh size that can be fished from November 1 through April 30 is four (4) inches.
  - (B) The only bar mesh size that can be fished from May 1 through October 31 is four (4) inches to four and one-half (4 1/2) inches.
  - (C) The nets referenced in this subdivision may be fished weighted or as a flag net.
  - (D) ~~A At least one~~ tag must be attached to the net ~~at intervals not less than for each one~~ hundred (100) feet ~~apart of net or part thereof.~~
- (4) The following restrictions apply to a commercial trotline:
  - (A) Each line must have more than fifty (50) hooks placed not closer than eighteen (18) inches apart.
  - (B) One (1) tag must be attached.
  - (C) The trotline must be:
    - (i) not longer than three thousand (3,000) feet, including staging; and
    - (ii) fished separately rather than tied in a continuous line.
- (5) The following restrictions apply to a seine:
  - (A) A seine must have the following:
    - (i) A minimum bar mesh size of one (1) inch.
    - (ii) Both float and lead lines.
    - (iii) Wood, fiberglass, metal poles, or brails attached to each end.
  - (B) A seine in the water must be attended by individuals pulling the seine through the water for the entrapment of fish.
  - (C) A seine must have ~~a at least one~~ tag attached ~~at intervals not less than for each one hundred~~

- (100) feet ~~apart~~ **of net or part thereof.**
- (6) The following restrictions apply to a slat trap basket:
- (A) No wire or other mesh may be added to the trap.
  - (B) At least two (2) openings not less than one and one-fourth (1 1/4) inches wide must be located between the slats. These openings shall not be restricted by cross-bracings shorter than eight (8) inches long.
  - (C) The trap shall be not larger than two (2) feet in diameter or square end measure.
  - (D) A tag must be attached to the open ring or square.

(l) A license holder must do the following:

- (1) Keep accurate daily catch records on a departmental form of the following:
    - (A) The pounds and species of fish caught by gear type.
    - (B) The number of paddlefish and shovelnose sturgeon caught by gear type.
    - (C) The pounds of paddlefish, shovelnose sturgeon, sucker, and eggs sold.
    - (D) The location fished by pool, river mile, and county.
  - (2) Submit to the department the completed form required under subdivision (1) by the fifteenth day of each month for the preceding month whether the license holder fished or not **unless the license holder has submitted an Inactive License Form to signify that no commercial fishing on the Ohio River will take place for the remainder of the calendar year. The Inactive License Form shall be submitted to the division of fish and wildlife before the fifteenth day of the month following the month the license is deemed inactive.**
  - (3) Allow on-board and dockside inspection of the gear and catch at any time by the director or the director's representative.
- (Natural Resources Commission; 312 IAC 9-8-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2725; filed May 28, 1998, 5:14 p.m.: 21 IR 3727; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Aug 28, 2009, 3:39 p.m.: 20090923-IR-312080886FRA)*

# **SECTION 11. 312 IAC 9-8-7 IS ADDED TO READ AS FOLLOWS:**

## **312 IAC 9-8-7 Roe Harvester's License**

**Authority: IC 14-22-2-6; IC 14-22-13-2.5; IC 14-**

**Affected: IC 14-22**

- (a) An individual must not take, possess, or sell roe-bearing species without a valid roe harvester's license.**
- (b) An individual must apply for a roe harvester's license on a departmental form.**
- (c) An applicant for a roe harvester's license must:**
  - (1) be at least eighteen (18) years of age;**
  - (2) possess a valid commercial fishing license; and**
  - (3) provide valid identification of all assistants on a departmental form.**

**(d) The maximum annual number of roe harvester's licenses is as follows:**

- (1) Fifteen (15) resident or non-resident licenses (total) for the Ohio River.**
- (2) Fifteen (15) resident licenses for Inland Water of the State.**

**(e) The division shall prioritize the issuance of roe harvester's licenses as follows:**

- (1) First, to residents of Indiana.**
- (2) Second, upon those applications by individuals who have submitted completed monthly reports to the department under 312 IAC 9-8 and who have submitted a completed renewal application no later than December 15 of the year preceding the license year requested.**
- (3) Third, upon the order the application was received by the division of fish and wildlife.**

**(f) A roe harvester must do the following:**

**(1) Prepare a daily transaction report on a departmental form in ink for each day of the month that roe-bearing fish were harvested and include the following:**

- (A) The length of the fish by species for each fish harvested.**
- (B) The number of each roe-bearing species harvested.**
- (C) The river where roe-bearing species were harvested.**
- (D) Whether the fish contains eggs or not.**
- (E) The date.**
- (F) The name of any assistant.**

**(2) Submit the signed daily transaction report to the department by the fifteenth day of each month for the preceding month for each day that roe-bearing fish were harvested unless the license holder has submitted an Inactive License Form to signify that no harvesting of roe or roe-bearing species will take place for the remainder of the calendar year. The Inactive License Form shall be submitted to the division of fish and wildlife before the fifteenth day of the month following the month the license is deemed inactive.**

**(3) Notify the department on a departmental form of any change in the list of assistants.**

**(4) Not allow an individual to participate in the harvest, possession, transportation or sale of roe or roe-bearing species until the list of assistants on which the individual is identified has been received by the division.**

**(5) Fish for roe-bearing species only in accordance with 312 IAC 9-8.**

**(6) Retain for at least five (5) years a copy of all records and reports required under this section.**

**(7) Sell roe only to an Indiana-licensed roe dealer.**

**(8) Leave the roe intact and inside the body of the fish while on the body of water or adjacent to the water being fished and until processing begins in accordance with 21 CFR 123, not to include the screening, salting, or otherwise processing of the roe unless licensed as a roe dealer under 312 IAC 9-8-8.**

**(g) A roe harvester may sell the meat of an individual roe-bearing species of fish that does not contain roe to any other person.**

**(h) A roe harvester's license issued under this section is not transferable.**

- (i) Upon request by a conservation officer or other authorized representative of the department's division of law enforcement, a license holder must allow:
  - (1) access to all records and reports required under this document upon request; and
  - (2) entry and inspection of the license holder's premises, equipment, boats, vehicles, and facilities.

**SECTION 13. 312 IAC 9-8-8 IS ADDED TO READ AS FOLLOWS:**

**312 IAC 9-8-8 Roe Dealer's License**

**Authority: IC 14-22-2-6; IC 14-22-13-2.5; IC 14-10-2-4**

**Affected: IC 14-22**

- (a) A person must not purchase or process roe-bearing species without a valid roe dealer's license, with the exception of the meat and caviar from roe-bearing species.
- (b) A person must apply for a roe dealer's license on a departmental form. A person must submit a completed renewal application no later than December 15 of the year preceding the license year requested.
- (c) A person applying for a roe dealer's license must be at least eighteen (18) years of age.
- (d) A license holder under this section must do the following:
  - (1) Not purchase fish or unprocessed roe that the roe dealer knows was taken or possessed unlawfully.
  - (2) Possess a valid roe dealer's license while purchasing, receiving, transporting, or selling unprocessed roe and processing roe.
  - (3) Submit a complete, true, and accurate report to the department by the fifteenth day of the following month on a signed departmental form in ink that includes the following information:
    - (A) name and license number of the roe harvester;
    - (B) number of pounds of screened eggs of each roe-bearing species received;
    - (C) the final processed weight (caviar) of each roe-bearing species received; and
    - (D) the date the roe or screened eggs were received for each roe-bearing species.
  - (4) Maintain for a period of five (5) years an accurate record of all transactions involving roe-bearing species and/or roe purchased from a roe harvester including the roe or caviar sold, and the name and address of the individual or company to whom the roe or caviar was sold or transferred.
  - (5) Complete and sign the roe harvester's license transaction record for each transaction on a departmental form on the date of purchasing roe-bearing species from the roe harvester that includes the following information:
    - (A) The date the product is received.
    - (B) Pounds of screened eggs for each roe-bearing species of fish.
  - (6) Obey all state and federal laws applicable to the processing of roe and products of roe-bearing species.
- (e) A roe dealer's license issued under this section is not transferable.

**(f) A person issued a license under this section must, upon request by a conservation officer or other authorized representative of the department's division of law enforcement, allow:**

**(A) access to all records and reports required under this document upon request;**  
**and**

**(B) entry and inspection of the license holder's premises, equipment, boats, vehicles,**  
**and facilities.**